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REMARKS

The foregoing amendment and the remarks which follow are responsive to the non-final Office Action dated May 11, 2006. In that Office Action, Claims 42-49, 50 and 52 (when corrected) were allowed, claims 26-29, 31 (corrected), 32-33, 35-36 and 38-39 were merely objected to as being dependent on a rejected base claim and claims 25, 34, 37, 40 and 41 were rejected over United States Patent No. 3,425,419 (Dato). The Examiner also noted that there had been an unentered prior amendment canceling claims 1-41 and, in view of that, suggested that the claims prior to claim 42 be renumbered starting with claim number 53.

By the present amendment, the dependency of claim 52 has been corrected, thereby placing allowed claim series 42-49, 50 and 52 in condition for issuance. Also, by the present amendment, claims 1-41 have been re-cancelled and new method claims 53-69 have been added. No new matter has been added.

New independent claim 53 recites a method for preventing or reducing the severity of kidney damage in a human or veterinary patient to whom a potentially nephrotoxic substance is to be administered. The method steps recited in claim 53 specifically include a) providing a heat exchange catheter that has a heat exchanger which is positionable within a blood vessel of the patient and a controller that controls the temperature of the heat exchanger, b) positioning the heat exchanger in the inferior or superior vena cava of the patient without entirely preventing the flow of blood around the heat exchanger, controlling the temperature of the heat exchanger to reduce the temperature of the patient's blood and to cool the patient's kidneys, thereby preventing or reducing the severity of kidney damage resulting from the nephrotoxic substance and d) administering the substance to the patient.

As the Examiner recognizes, Dato does not describe or even remotely suggest the step of administering an potentially nephrotoxic substance to the patient as recited in

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independent claim 53. Thus, on this basis as well as others not specifically articulated here, independent claim 53 is patentably distinguishable over Dato and all other prior art of record.

New dependent claims 54-69 further define or add to the novel and unobvious subject matter of claim 53 and, thus, are distinguishable on at least the same grounds as claim 53.

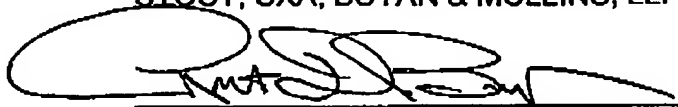
Accordingly, reconsideration and issuance of a notice of allowance with respect to claims 42-49, 50, 52 and 53-69 is earnestly solicited.

The Examiner is invited to telephone Applicant's undersigned counsel to discuss any further measures that may be taken to facilitate prompt issuance of a Notice of Allowance on this application.

Respectfully submitted,

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